

McKamy.	Savage.
Mills.	Sebastian.
Morris.	Wilson.
Paulus.	

Absent.

Brachfield.	Patteson.
Faulk.	Perkins.
Grinnan.	Stafford.
Hanger.	Willacy.

Senator Wilson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

ELECTION OF PRESIDENT PRO TEMPORE.

At this point Senator Davidson of DeWitt stated he felt the Senate ought to record itself definitely on Section 6 of the Constitution, which states the Senate "shall, at the beginning and close of each session" elect a President Pro Tempore.

Senator Douglass moved that the Senate elect a President Pro Tempore, and

Senator Douglass placed the name of Senator R. V. Davidson before the Senate.

The Chair directed the Senators to prepare their ballots.

Senators Harbison, Lipscomb and Hale were appointed tellers.

The ballot resulted as follows:

Senator Davidson of Galveston received 22 votes. Senator Henderson received 1 vote.

The Chair declared Senator Davidson of Galveston duly and constitutionally elected President Pro Tempore.

ADJOURNMENT.

Senator Davidson of DeWitt moved that the Senate adjourn until Monday morning at 10 o'clock, and at 1:15 o'clock p. m., the Senate adjourned.

SECOND DAY.

Senate Chamber,

Austin, Texas, Monday, April 6, 1903.

Senate met pursuant to adjournment. Lieutenant Governor Geo. D. Neal in the chair.

Roll call. No quorum present, the following Senators answering to their names:

Brachfield.	Harper.
Davidson of	Henderson.
DeWitt.	Lipscomb.
Hale.	Mills.
Harbison.	Morris.

Savage.	Wilson.
Sebastian.	
	Absent.

Beaty.	Hanger.
Cain.	Hicks.
Davidson of	Hill.
Galveston.	Martin.
Decker.	McKamy.
Douglass.	Patteson.
Faubion.	Paulus.
Faulk.	Perkins.
Faust.	Stafford.
Grinnan.	Willacy.

On motion of Senator Henderson the Senate, at 10:06 a. m., adjourned until 10 o'clock a. m., tomorrow.

THIRD DAY.

Austin, Texas, Tuesday, April 7, 1903.

Senate met pursuant to adjournment.

Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:

Beaty.	Harper.
Brachfield.	Henderson.
Cain.	Hicks.
Davidson of	Hill.
DeWitt.	Martin.
Douglass.	McKamy.
Faubion.	Mills.
Faulk.	Morris.
Faust.	Savage.
Grinnan.	Sebastian.
Hale.	Stafford.
Hanger.	Willacy.
Harbison.	Wilson.

Absent.

Davidson of	Patteson.
Galveston.	Paulus.
Decker.	Perkins.
Lipscomb.	

Prayer by Chaplain Rev. I. S. Davenport.

The Journal of yesterday was read.

EXCUSED.

On motion of Senator Mills, all the Senators that were absent on last Thursday and yesterday were excused on account of important business.

On motion of Senator Davidson of DeWitt, Senator Faulk was excused for non-attendance upon the Senate on last Wednesday on account of important business.

On motion of Senator Savage, Senator Davidson of Galveston was excused for

non-attendance upon the Senate for today on account of important business.

On motion of Senator Harper, Senator Paulus was excused from attendance upon the Senate for today on account of sickness.

On motion of Senator Morris, Senator Perkins was excused for non-attendance upon the Senate for last Thursday and yesterday on account of important business.

SENATE CONCURRENT RESOLUTION NO. 1.

Senator Henderson offered the following resolution, and asked that it be printed in the Journal:

Senate Concurrent Resolution No. 1:

As a basis for consideration by the two houses, the following proceedings had by the House of Representatives on February 15, 1900 (see House Journal, pages 181-82):

Substitute Senate bill No. 2, A bill to be entitled "An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and said State; to set apart and appropriate to said school fund, in part payment of said account the residue of the public domain of said State, to which said fund is entitled under Section 2, Article 7, of the Constitution, adopted April 17, 1876; to appropriate the sum of twenty-nine thousand, three hundred and forty and twenty-seven one-hundredths dollars to the permanent school fund from the general revenue not otherwise appropriated in full payment of the balance due to said fund by the State of Texas, under the Constitution of 1876; to provide for the survey, purchase and lease of said land, and the issuance of patents in certain cases; and providing for suit by the State in Travis county against any person claiming any of the lands belonging to the school fund or any other fund, and to repeal Section (2) two, of Chapter one hundred and seventy-three, of the Acts of the Regular Session of the Twenty-sixth Legislature, approved June 5, 1899, being 'An Act to authorize the issuance of patents to lands theretofore applied for and purchased as public domain, and to provide for the disposition of the proceeds.'"

This bill became the law, Messrs. Wright of Tom Green and Henderson of Lamar dissenting as follows:

Whereas, We find as a fact that the permanent public school fund was entitled to 29,767,790.78 acres of land by reason of the grant in the Constitution of "one-half of the public domain of the State," of which amount it has received 23,294,255.51 acres, and to which can be

applied 4,444,195 of public domain, leaving a deficit to be met of 2,029,340.27 acres; and

Whereas, It would take the sum of \$2,029,340.27 to compensate the permanent school fund for said land, and this Legislature cannot make an appropriation of so large an amount, and has no power to make appropriations for more than two years, so as to provide for a payment of said debt by yearly payments, and has no authority under the Constitution to issue bonds for the payment of the same; therefore, be it

Resolved, That the consideration of Senate bill No. 2, defined "An Act to define the permanent school fund of the State of Texas, to partition the public lands between said fund and the State," etc., be indefinitely postponed, to the end that the Twenty-seventh Legislature may submit to the people a constitutional amendment whereby a means may be provided to pay said debt, or whereby the people may say whether or not they will compensate said school fund for said deficit.

[Signed WRIGHT,
HENDERSON of Lamar.]

Whereas, Under the supervision of the State Investigation Committee a thorough and exhaustive investigation was entered into relative to the true status of the State's account and standing with the permanent university and common free school funds, said trial balances having been obtained at a cost of four hundred dollars (the same being paid by two citizens) said accounting developing the fact that the State of Texas is largely indebted to said funds as is held in the contention of Messrs. Wright and Henderson; therefore, be it

Resolved by the Senate, the House concurring, that a joint committee composed of two State Senators and three Representatives of the House be constituted, the same to be selected by the respective presiding officers of the two houses, whose duty it shall be to take under consideration all matters that in anywise pertain to said funds, their origin, investment, and if diverted and lost, to what extent the State is liable for the same, making a report to this Legislature at an early day of such findings, together with such suggestions and recommendations as in their opinion are necessary to a solution and settlement of the question; and to the end that a speedy conclusion of this matter may be had, said committee shall at once, after their appointment, meet and organize by selecting one of their number chairman, who shall have the power to employ such skilled aids as in the opinion of said

committee are essential to carry out the provisions of this resolution. Said chairman shall have power through the chairman of the Committee on Contingent Expenses of the Senate to pay all necessary cost and expense incurred by reason of this resolution. Said committee shall have the privilege of sitting during the sessions of their respective houses.

Morning call concluded.

SPECIAL ORDER FOR THIS HOUR.

The Chair laid before the Senate the following resolution, which was special order for this hour:

Whereas, On the 13th day of January, 1903, the Twenty-eighth Senate of the State of Texas, in perfecting its organization adopted the following:

Resolved, First, That the officers and employes hereinafter designated are essential to the proper service of the Senate and shall be appointed and elected and receive compensation as hereinafter provided, and shall continue until discharged by the same authority which elects or appoints them in the respective offices or employments to which they shall be elected or appointed.

Second. The Senate by ballot shall elect the following officers, namely: Secretary, Assistant Secretary, Sergeant-at-Arms, Assistant Sergeant-at-Arms, Journal Clerk, Assistant Journal Clerk, Calendar Clerk, Enrolling Clerk, Assistant Enrolling Clerk, Engrossing and Assistant Engrossing Clerk, Doorkeeper and Assistant Doorkeeper, Chaplain and seven committee clerks, each of whom shall be stenographers and typewriters, and who shall serve all committees and Senators when required, and the committee clerks shall be appointed to the various committees by the President of the Senate. Each of said officers and employes shall receive as compensation for their services the sum of five dollars per day.

Third. The President of the Senate shall appoint the following officers and employes of the Senate, namely, a Postmaster, who shall receive the sum of five dollars per day, and Assistant Postmaster who shall receive four dollars per day, a private secretary who shall receive five dollars per day, two general committee clerks who shall receive five dollars per day, five pages who shall receive two dollars per day, and six porters who shall receive two dollars per day.

Fourth. The Sergeant-at-Arms shall appoint a clerk who shall keep his accounts, who shall receive three dollars per day; and

Whereas, The exigencies of the occasion warrant and demand that said Senate be reorganized to the extent provided for by said resolution; therefore, be it

Resolved, That said action on the part of the Senate be rescinded, and in every particular revoked.

[Signed

HENDERSON,
MORRIS,
HARPER,
HARBISON,
McKAMY,
SAVAGE.]

Also the following substitute for the resolution:

Resolved, That all officers and employes of the Senate, now in its service and heretofore elected and appointed at the Regular Session of the Twenty-eighth Legislature, be and the same are hereby retained to serve the Senate during the First Called Session, and that each receive the salary fixed for their service at the Regular Session, save and except those whose salary was the sum of \$5.00 per day, all of whom shall under this resolution be entitled to compensation at the rate of \$3 per day during said First Called Session of the Twenty-eighth Legislature, except the clerk of the Finance Committee, who shall receive the sum of \$5.00 per day.

Question being on the adoption of the substitute,

Senator Hanger made a point of order that the resolution and substitute were not germane, inasmuch as the resolution, by which the Senate at the beginning of the Twenty-eighth Legislature, elected the officers and employes had been adopted, and the Senate could not, at this time, rescind the vote by which that resolution was adopted.

The Chair overruled the point of order.

Question—Shall the substitute be adopted.

Senator Hanger moved to table the substitute and the resolution.

Senator Davidson of DeWitt called for a division of the question.

The substitute was tabled by the following vote:

Yeas—16.

Beaty.	Hicks.
Brachfield.	Hill.
Douglass.	Martin.
Faubion.	Mills.
Faust.	Sebastian.
Grinnan.	Stafford.
Hale.	Willacy.
Hanger.	Wilson.

Nays—9.

Cain.	Faulk.
Davidson of	Harbison.
DeWitt.	Harper.

Henderson.
McKamy.

Morris.

Absent.

Decker.
Lipscomb.

Patteson.
Perkins.

PAIRED.

Senator Mills (present) who would vote "yea," with Senator Paulus (absent) who would vote "nay."

Senator Savage (present) who would vote "nay," with Senator Davidson of Galveston (absent) who would vote "yea."

The motion to table the original resolution then prevailed by the following vote:

Yeas—14.

Beaty.
Brachfield.
Douglass.
Faubion.
Faust.
Hale.
Hanger.

Hicks.
Hill.
Martin.
Sebastian.
Stafford.
Willacy.
Wilson.

Nays—9.

Cain.
Davidson of
Faulk.
Grinnan.

Harbison.
Harper.
DeWitt. Henderson.
McKamy.
Morris.

Absent.

Decker.
Lipscomb.

Patteson.
Perkins.

PAIRED.

Senator Mills (present) who would vote "yea," with Senator Paulus (absent) who would vote "nay."

Senator Savage (present) who would vote "nay," with Senator Davidson of Galveston (absent) who would vote "yea."

SIMPLE RESOLUTION.

Senator Douglass offered the following resolution:

Resolved by the Senate of Texas, That a committee of five Senators be appointed by the President of the Senate to investigate the necessity for reducing the number of clerks, pages, and employes of the Senate and make a report of their investigation to the Senate for its action, and that said committee report results of its investigation to the Senate tomorrow morning after morning call.

The resolution was read second time, and adopted.

COMMITTEE APPOINTED.

In accordance with the above resolu-

tion, the Chair appointed the following committee: Senators Douglass, Hale, Hicks, Hill, Harper.

ADJOURNMENT.

On motion of Senator Willacy, the Senate at 12:25 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

APPENDIX.

COMMITTEE REPORTS.

The following committee reports were offered:

ENGROSSED BILLS.

Committee Room,
Austin, Texas, April 2, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 3, A bill to be entitled "An Act making an appropriation to defray the contingent expenses of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor,"

And find the same correctly engrossed.
GRINNAN, Acting Chairman.

Committee Room,
Austin, Texas, April 2, 1903.

Hon. Geo. D. Neal, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 1, A bill to be entitled "An Act making an appropriation to pay per diem pay of members and per diem pay of officers and employes of the First Called Session of the Twenty-eighth Legislature of the State of Texas, convened April 2, 1903, by proclamation of the Governor,"

And find the same correctly engrossed.
GRINNAN, Acting Chairman.

FOURTH DAY.

Senate Chamber,
Austin, Texas, Wednesday, April 8, 1903.
Senate met pursuant to adjournment.
Lieutenant Governor Neal in the chair.

Roll call. Quorum present, the following Senators answering to their names:—